

# HOUSE BILL REPORT

## SSB 5502

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**As Reported by House Committee On:**  
Juvenile Justice & Family Law

**Title:** An act relating to juvenile sentencing alternatives.

**Brief Description:** Revising juvenile sentencing alternatives.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Delvin and Regala).

**Brief History:**

**Committee Activity:**

Juvenile Justice & Family Law: 3/23/05, 3/25/05 [DPA].

**Brief Summary of Substitute Bill  
(As Amended by House Committee)**

- Changes eligibility for the Mental Health Disposition Alternative.

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### HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

**Majority Report:** Do pass as amended. Signed by 6 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Lovick and Roberts.

**Staff:** Sonja Hallum (786-7092).

**Background:**

A juvenile offender who is adjudicated of an offense may be given a sentence by the court based on the statutorily available sentencing options. The majority of the sentences imposed by the juvenile court are standard range sentences. Standard range sentences are calculated based on a grid system using the offender's prior criminal history and the seriousness of the current offense.

If the court finds that a standard range sentence is not appropriate in a specific case, the court may impose a statutorily available alternative sentence. In 2003, ESSB 5903 was enacted and created several new sentencing options, including the Mental Health Disposition Alternative (MHDA).

The MHDA permits a court to impose a suspended sentence conditioned upon the offender's compliance with mental health treatment. The eligibility requirements for the sentencing alternative are as follows:

- the juvenile must be subject to a standard range sentence of 15 to 65 weeks;
- the offender has a current diagnosis of an axis I psychiatric disorder (excluding a diagnosis solely of a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia);
- there is an appropriate treatment option available in the community;
- the plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program; and
- the offender, the offender's family, and the community will benefit from the use of the MHDA based upon assessments and evaluations conducted for the use of the court. The court should also consider the opinion of the victim.

A juvenile offender is ineligible for the MHDA if he or she is convicted of a sex or violent offense.

If the court imposes the MHDA, the court will impose a sentence including confinement up to 65 weeks. The court will suspend the sentence, place the juvenile on community supervision for up to one year, require participation in treatment interventions, and impose one or more local sanctions. Local sanctions might include requirements such as up to 30 days of confinement in the detention facility, community service, payment of fines, or probation requirements such as attending school and curfew.

If the juvenile fails to comply with the terms of the disposition alternative the court may impose sanctions, or may revoke the MHDA and impose the original sentence.

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**Summary of Amended Bill:**

The eligibility requirements for the MHDA are changed. The requirement that the juvenile offender be subject to a standard range sentence between 15 and 65 weeks is eliminated. A juvenile may now be eligible for the disposition alternative if he or she receives a Juvenile Rehabilitation Administration commitment sentence of any length.

The offenses which are ineligible for the sentencing alternative are changed. An offender who is adjudicated of a sex offense, a firearm offense, or one of the following offenses, is not eligible to receive the MHDA:

- manslaughter in the second degree;
- an A+, A or A- offense, or the attempt, conspiracy, or solicitation to commit an A+, A or A- offense; or
- a B+ or B category offense when the offense includes the infliction of bodily harm, or if the juvenile was armed with a deadly weapon.

**Amended Bill Compared to Substitute Bill:**

The amended bill simplifies the list of offenses that make a juvenile ineligible for the MHDA.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This is a companion bill to the House bill. The list of offenses on the last page of the bill were classified as violent offenses. The bill lists the offenses and says the juvenile is ineligible if they are committed with a deadly weapon or if they involve bodily harm. Both this bill and the version passed out of the House broaden eligibility when there is not a deadly weapon or bodily harm involved. It is hard to understand what mental illness can do to a family. We don't do enough for the mentally ill in our court system. There are too many people incarcerated who have mental illnesses. Mentally ill people don't understand what is happening in the system.

**Testimony Against:** None.

**Persons Testifying:** Senator Hargrove, prime sponsor; Bruce Knutson, Washington Association of Juvenile Court Administrators; and Squakee-Martha Lee Collins.

**Persons Signed In To Testify But Not Testifying:** None.